

Appln No. 09/722,172
Amdt. Dated August 31, 2005
Response to Office Action of June 29, 2005

2

REMARKS/ARGUMENTS

The Office Action has been carefully considered. It is respectfully submitted that the issues raised are traversed, being hereinafter addressed with reference to the relevant headings appearing in the Detailed Action section of the Office Action.

Claim Objections 35 USC § 103

On pages 2 - 8 of the Office Action the Examiner has rejected claims 1, 3 - 5, 7 - 8, and 13 - 15 under 35 USC § 103(a) as being unpatentable over Ackley (US 6,152,370) in view of Ehrhart *et al.* (US 6,304,660), and Yukihiro *et al.* (Japanese Publication # 09-022439).

Although there is no motivation for a person skilled in the art to combine the teachings of Ackley, Ehrhart and Yukihiro, the applicant respectfully submits that present claim 1 is patentable over Ackley in view of Ehrhart and Yukihiro.

In particular, on pages 4 to 5 of the Office Action, the Examiner has stated that Ackley does not teach "an attachment arrangement adapted to facilitate attachment and detachment of the device to and from a writing implement having a nib, the sensing device being adapted to sense coded data at least when the nib is in contact with the surface, the nib being adapted to mark the surface". The Applicant respectfully submits that Yukihiro does not describe the aforementioned features of claim 1.

In contrast to claim 1, Yukihiro describes a data simulator having a case (2) and a head part (22). The head part (22) includes a reading part (4), wherein the reading part consists of light (41) for illuminating the reading area, and an imaging device (43). The head part (22) of the device described by Yukihiro includes a cover (9) that is attached to the tip of the casing. The cover (9) is removable (see abstract). However, Yukihiro does not describe a sensing device that is attachable to and detachable from a writing implement, wherein the writing implement has a nib and the nib is able to mark the surface as the sensing device senses coded data on the surface.

Hence, as claim 1 describes a sensing device where the sensing device is removable and attachable to a writing implement, claim 1 is patentable over Ackley in view of Ehrhart and Yukihiro. In contrast, the only removable component as described by Yukihiro is the removable cap (9). The removable cap (9) does not include the imaging device of Yukihiro. This is further emphasised by the object of Yukihiro which is "to improve the reading accuracy of a data symbol by preventing the mixture of foreign matters, the sticking of stains, the scratches, etc., while a data symbol reader is not working". Hence, Yukihiro is designed so that the cover protects the sensing device inside the casing (2). The imaging device of Yukihiro is not detachable from the main implement, nor is it a part of the cover.

It will be appreciated that the sensing device, as described by claim 1, which is adapted to be detachable and attachable to a writing implement, where the writing implement can mark the surface having coded data, and the sensing device able to sense at least some of the coded data when the nib of the writing implement is in contact with the surface, provides numerous advantages. For example, the sensing device of claim 1 is attachable to users own pen or pencil, thereby allowing a user to mark a surface and sense coded data. The combination of

Appn No. 09/722,172
Amdt. Dated August 31, 2005
Response to Office Action of June 29, 2005

3

Ackley, Ehrhart and Yukihiro does not describe a detachable sensing device and thus does not provide this advantage.

Therefore, claim 1 is patentable over the cited prior art.

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections under 35 USC s103(a). The present application is believed to be in condition for allowance. Accordingly, the Applicant respectfully requests a Notice of Allowance of all the claims presently under Examination.

Very respectfully,

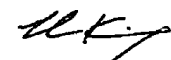
Applicant:



KIA SILVERBROOK



PAUL LAPSTUN



TOBIN ALLEN KING

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com
Telephone: +612 9818 6633
Facsimile: +61 2 9555 7762